

**Remark**

Applicants respectfully request reconsideration of this application as amended. Claims 17 and 22 have been amended. Claims 32-35 have been cancelled. Therefore, claims 1-31 are present for examination.

**35 U.S.C. §102 Rejection***Hurd*

The Examiner has rejected claims 1-31 under 35 U.S.C. §102 (b) as being anticipated by Hurd, U.S. Patent No. 5,923,745 ("Hurd"). In this rejection, the Examiner presents another reference from the call center art. The Examiner has overlooked some of the express limitations of the claims in order to read the claims onto this reference. Applicants respectfully submit that these limitations affect the context of the invention. While it may be known to do a certain thing in one context, it may well be new and inventive to do a similar thing in another context.

Looking at Claim 1, it recites, "receiving an incoming call at a voice mail system from a connected private telephone switch, the telephone switch being coupled between the PSTN and a plurality of individual subscriber telephones." The Examiner refers to the network routing unit NRU 12 which is coupled to a LEC 32 of the PSTN 20 and a call control server CCS 24. The PBX or automatic call distributor ACD 22 is not connected to the NRU but only to the LEC and CCS. The NRU receives calls from the LEC and if it wants to transfer the call to the ACD, then it does so through the LEC (6:40-50, 12:38-46). The ACD is not connected to the NRU and the LEC is not a private telephone switch. Accordingly, the reference does not meet the language of the claim.

Claim 1 further recites, "receiving a call handle associated with the incoming call at the voice mail system from the telephone switch." There is no indication in the application that the

NRU receives any type of handle from the ACD. If the Examiner is referring to information received from the LEC (ANI/DNIS/DID information 6:28), the LEC is not a private telephony switch. In addition, this is not a handle for the call as much as an identifier of the calling terminal. Subsequent different calls from the same terminal will be sent to the NRU with the same information from the LEC.

Claim 1 further recites, "receiving an indication from the switch of whether the call has been previously handled by the voice mail system." There is no suggestion of such thing in Hurd. The NRU obtains no information from the ACD at all. The LEC only sends the conventional caller ID information, which does not indicate whether a call has been previously handled. Hurd explains that the information from the LEC is used to determine whether the customer (the caller) has an existing account using the NRU's own resources. This is a determination about the call, but an determination about the caller. In Hurd, there is no distinction between a call first received from the LEC and the call transferred back to the LEC from a call center 16, 18.

The last three elements of Claim 1 refer to operations performed using a call handle. Since, no such call handle is received by the NRU from either the switch or the LEC, these elements are also not met.

The discussion above shows not only that the reference does not meet the language of the claim but also that the context of the reference is completely different from that of the present claims. Accordingly, all of the rejections are respectfully traversed. The remarks above, with respect to Claim 1, apply also to the other claims. The dependent claims present further distinctions from the prior art and are believed to be allowable therefor as well as for the reasons discussed above.

**Conclusion**

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

**Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension. Charge our Deposit Account.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP**

Date: 4/12/05

  
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